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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,145	11/25/2003	Thomas Frederick Kauffman	A01466	6321

7590 06/21/2005

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EXAMINER
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BERMAN, SUSAN W

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/721,145

Applicant(s)

KAUFFMAN ET AL.

Examiner

Susan W. Berman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowe (4,305,854). Rowe disclose electron beam curable psa compositions comprising 30-90 % of a urethane (meth)acrylate corresponding to applicant's liquid elastomer, 10-60% tackifier and optionally 0-4% unsaturated monomer. With respect to claims 2, 6 and 10, the disclosed compositions would be expected to provide an adhesive having the required Tg since the components of the compositions disclosed and set forth in the instant claims correspond to one another.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewandowski et al (5,747,551) disclose UV curable pressure sensitive adhesive compositions comprising from 0.1 to about 15% of a photoinitiator. The compositions comprise from 10-80 % acrylated urethane, 0-70% acrylate monomer, 0.1-25% acrylated polybutadiene and from 0 to 50% tackifier. With respect to claims 4, 5 and 8, compositions comprising amounts of photoinitiator about 0.1 % are considered to meet the claim requirement "substantially free of photoinitiator". With respect to claims 2, 6 and 10, the disclosed compositions would be expected to provide an adhesive having the required Tg since the components of the compositions disclosed and set forth in the instant claims correspond to one another.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Kauffman et al [EP 1,254,936 or US 6,884,843] disclose compositions for providing a cured laminate with electron beam radiation without the need for a photoinitiator. See [0005]-[0006],

Baetzold et al (6,221,448) disclose cold seal compositions comprising an ethylene/ $\alpha$ -olefin polymer polymer and 10-75% of a tackifier or wax. The ethylene/ $\alpha$ -olefin polymer has a Mn from 3,000 to preferably no more than 40,000 (column 5, lines 1-9). Baetzold et al do not teach adding ethylenically unsaturated compounds or electron beam curing.

WO 00/68334 (as disclosed in US equivalent 6,812,170 herein relied upon for translation of WO '334) discloses a cohesive adhesive substance obtained from an electron beam curable composition comprising a block copolymer of styrene and a soft phase such as butadiene. Other components of the composition are 5-80 weight % tackifier. The Tg is preferably less than -30° C (column 3, lines 50-54 of US '170). WO '334 does not teach adding a liquid elastomer.

Sasaki et al (5,290,842) disclose a pressure sensitive adhesive comprising a first and a second elastomer, such as polybutadiene or polyisoprene, and a tackifier. The molecular weight of the elastomer is not mentioned. Sasaki et al do not teach adding an ethylenically unsaturated compound.

Erickson et al (5,104,921) disclose an ionizing radiation cured composition having excellent cohesive strength comprising a thermoplastic elastomer and a tackifier. The differences from the instantly claimed invention are that crosslinking agents With respect to claims 2, 6 and 10, the disclosed compositions would be expected to provide an adhesive having the required Tg since the components of the compositions disclosed and set forth in the instant claims correspond to one another.

Glennon (4,243,500) discloses electron beam curable pressure sensitive adhesives comprising an elastomer, a tackifier, acrylate monomer and 1-6 pbw initiator.

Lossner et al (5,093,406) disclose curable hot melt adhesives comprising an unsaturated elastomeric polymer, tackifiers and crosslinking monomers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susan W Berman  
Primary Examiner  
Art Unit 1711

SB  
6/13/05